

## ADMINISTRATIVE PANEL DECISION

Cantor Fitzgerald Securities v. Darius Buenconsejo  
Case No. D2025-4412

### 1. The Parties

The Complainant is Cantor Fitzgerald Securities, United States of America (“United States” or “U.S.”), represented by Akerman LLP, United States.

The Respondent is Darius Buenconsejo, United States.

### 2. The Domain Name and Registrar

The disputed domain name <cantor-fitzgerald.site> is registered with Hostinger Operations, UAB (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 27, 2025. On October 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 28, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (DOMAIN ADMIN / PRIVACY PROTECT, LLC (PRIVACYPROTECT.ORG)) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 28, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on October 29, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 24, 2025.

The Center appointed William F. Hamilton as the sole panelist in this matter on December 1, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant offers global financial services, including broker-dealer, domestic and international equities, fixed income and currencies, real estate, and investment banking services. The Complainant has over 1800 employees serving more than 5000 institutional clients in 35 locations around the globe.

The Complainant owns many valid and subsisting U.S. trademark registrations for CANTOR formative trademarks, including but not limited to the trademark CANTOR FITZGERALD, United States Reg. No. 2,682,691, registered on February 4, 2003 (the “Mark”).

The Complainant also owns registrations for the CANTOR and CANTOR FITZGERALD marks in connection with financial services in various other countries worldwide, including the European Union, Australia, the United Kingdom, Canada, and China.

The Respondent registered the disputed domain name on October 23, 2025. It resolved to a website offering financial services. The site promoted cryptocurrency and precious-metals trading, indicating “Cantor Professional Analysis Team Suggests” and directed users to purported “official” channels on X and Telegram. These channels were not operated by the Complainant and constituted false representations of affiliation.

The disputed domain name currently resolves to a page that states: “Sorry, This site has been stopped by the administrator.”

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant argues that the disputed domain name is confusingly similar to its Mark because the disputed domain name replicates the Mark. The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, and there is no evidence indicating that the Respondent is commonly known by that name. Additionally, the Complainant states that the Respondent is neither a licensee nor affiliated with the Complainant in any way. Furthermore, the Complainant claims it has not authorized the Respondent to use the Mark. Moreover, the Complainant argues that the disputed domain name was registered and is used in bad faith for commercial gain, misleading Internet users into believing that the disputed domain name resolves to a website that the Complainant endorses, is connected to, or sponsors.

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions.

## 6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements that a complainant must satisfy to succeed. The Complainant must demonstrate that:

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of such domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entire Mark is reproduced within the disputed domain name. The dispute domain is nearly identical to the Mark except for a hyphen between the two words of the Mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The applicable Top-Level Domain ("TLD") in a domain name, in this case ".site," is viewed as a standard registration requirement and as such is generally disregarded under the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the first element of the Policy has been established.

### B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The disputed domain name resolved to a website offering financial services in competition with the Complainant. The use of the disputed domain name, which is virtually identical to the Mark for the sale of

financial services, does not constitute a bona fide offering of goods or services nor a legitimate noncommercial or fair use under the Policy.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Respondent's conduct constitutes impersonation and passing off within the meaning of the Policy. By registering a domain name that is virtually identical to the Complainant's well-known mark and using it for a website offering financial services products and referencing the Complainant, the Respondent created a false impression that the site was operated, endorsed, or authorized by the Complainant. Panels have consistently held that such impersonation constitutes clear evidence of bad faith registration and use. See [WIPO Overview 3.0](#), section 3.4. The Respondent's use of the disputed domain name to attract users likely for commercial gain by misleading them as to source and affiliation satisfies paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

### **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <cantor-fitzgerald.site> be transferred to the Complainant.

*/William F. Hamilton/  
William F. Hamilton  
Sole Panelist  
Date: December 15, 2025*